

## NINTH DAY

(Thursday, January 26, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

## Absent—Excused

Dies	Schwartz
Lane	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we are not worthy to come in Thy presence, for we have sinned and come short of Thy glory. Forgive us, we pray, and create in us a clean heart; renew a right spirit within us; and may Thy spirit bear witness with our spirits that we are Thine and all is well. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Baker.

Senator Dies was granted leave of absence for today on account of important business on motion of Senator Baker.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Hardeman.

## Senate Concurrent Resolution 11

Senator Baker offered the following resolution:

S. C. R. No. 11, Authorizing Board of Regents of the University of Texas to accept grants, donations, etc., for Texas M. D. Anderson Hospital and Tumor Institute.

Whereas, The Board of Regents of The University of Texas is desirous of constructing additions to The University of Texas M. D. Anderson Hospital and Tumor Institute of Houston, Texas, and pay for the same from grants, donations, gifts, and matching grants from Federal and State agencies; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Board of Regents of The University of Texas is hereby authorized to accept grants, donations, gifts, and matching grants from Federal and State agencies for the purpose of adding the following additions to the existing building of the M. D. Anderson Hospital and Tumor Institute: (1) Addition I, approximately 49,000 square feet, to add 22,000 square feet each on floors 6 and 7, and 1,400 square feet on each of four floors over loading dock for research laboratories, offices, and needed changes in the operating suite area; (2) Addition II, a new east wing of the building to provide experimental animal quarters, laboratories for nuclear medicine, laboratories for the doctoral students and visiting scientists, area for service functions and storage space, plus additional storage space made by enclosing sub-surface driveways; the total square footage to be determined by the Board of Regents based on actual needs and available construction funds.

The resolution was read and was referred to the Committee on Finance.

## Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. C. R. No. 9, Providing for the placing of the Flag of Texas on the existing flagpole at the south main entrance to the Capitol Building during the Session of the Legislative Body, and directing the State Board of Control to raise and lower same.

H. C. R. No. 11, Designating the second week of October each year as Texas Literary Week.

H. C. R. No. 12, Providing for the appointment of a committee of five (5) members to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years.

H. C. R. No. 13, Commending the Federal Power Commission for conducting a hearing in Texas and commending Public Officials of the State of Texas for their willingness to protect the interests of the State, its citizens, and the economy of Texas therein.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committee indicated:

By Senator Parkhouse:

S. B. No. 95, A bill to be entitled "An Act amending Chapter 488, General Laws, Regular Session, 54th Legislature, 1955 (Codified as Article 827a, Section 8 of Title 13 of the Penal Code of the State of Texas), so as to fix the speed of motor vehicles engaged in this State, including motor vehicles used for the business of transporting passengers for compensation or hire, that the speed of such motor vehicles engaged in the transportation, and repealing all conflicting laws, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 96, A bill to be entitled "An Act amending Section 1 of Chapter 387, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 3.62-1, Insurance Code,

Vernon's Texas Civil Statutes, so as to include State-wide mutual assessment companies as being subject to penalties for delay in payment of losses on policies; and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 97, A bill to be entitled "An Act prescribing working hours for all employees of institutions under the control and management of the Board for Texas State Hospitals and Special Schools and the State Youth Council; providing a repealing clause; providing an effective date; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Herring:

S. B. No. 98, A bill to be entitled "An Act amending Articles 2843 of the Revised Civil Statutes of Texas, 1925, as last amended by Chapter 310, Acts of the 56th Legislature, Regular Session, 1959; providing a formula for distribution of textbooks on the subject of agriculture to certain grades; and declaring an emergency."

To the Committee on Education.

By Senators Smith and Aikin:

S. B. No. 99, A bill to be entitled "An Act providing for reinstatement of service credits for waiver teachers and for teachers who have withdrawn deposits, providing for purchase of out-of-state teaching service, providing for teacher retirement credit for teaching service, providing for a severability clause and declaring an emergency."

To the Committee on Education.

By Senator Owen:

S. B. No. 100, A bill to be entitled "An Act to amend Chapter 315, page 517, being Senate Bill No. 176, Acts of 1945, 49th Legislature, as amended by Chapter 369, page 621, being Senate Bill No. 273, Acts of 1951, 52nd Legislature, known as the Public Accountancy Act of 1945, and codified as Article 41a, Vernon's Annotated Civil Statutes of 1925, as amended; repealing all laws in conflict therewith, and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 101, A bill to be entitled

"An Act to amend Subdivision (c) of Section 1 of House Bill No. 666, Chapter 467, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by Senate Bill No. 138, Chapter 2, Acts of the Fifty-fifth Legislature, Regular Session, 1957 (codified as Article 695h V.A.C.S.), so as to provide that the term 'State Employee' shall be redefined to include members of the Legislature as to Social Security coverage under said Act; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Martin:

S. B. No. 102, A bill to be entitled "An Act amending Section 14.23 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, codified as Article 14.23, Insurance Code, Vernon's Texas Civil Statutes, so as to require Board approval of any increase of assessments and requiring at least ninety per cent (90%) of such increase shall be deposited to the mortuary fund; amending Section 14.25 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, codified as Article 14.25, Insurance Code, Vernon's Texas Civil Statutes, so as to increase the mortuary fund participation in first and renewal year assessments; and declaring an emergency."

To the Committee on Insurance.

By Senators Martin, Willis and Owen:

S. B. No. 103, A bill to be entitled "An Act amending Article 1299, Revised Civil Statutes of Texas, 1925; amending Article 1300, Revised Civil Statutes of Texas, 1925; amending Article 5460, Revised Civil Statutes of Texas, 1925; amending Article 6608, Revised Civil Statutes of Texas, 1925 amending Article 6605, Revised Civil Statutes of Texas, 1925; eliminating the requirement for separate and privy acknowledgment of conveyances and other instruments by married women; preserving the legal status of all instruments executed prior to the effective date hereof; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 104, A bill to be entitled "An Act providing for the preservation as historical shrines the former

courtrooms of the Supreme Court of Texas and the Court of Criminal Appeals of Texas, located in the State Capitol Building in Austin, Travis County, Texas; providing for the preservation and conservation of the furniture, paintings and pictures in such courtrooms; providing that the State Board of Control shall have custody and control of such historical shrines; providing the powers and duties of the State Board of Control in relation thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 105, A bill to be entitled "An Act amending Section 12 and 14 of Senate Bill No. 36, p. 544, Acts Regular Session, 46th Legis., 1939, as amended by House Bill No. 611, being Chapter 562, page 914, Acts Regular Session, 1949, and being codified in Vernon's Texas Civil Statutes as sections 12 and 14 of Article 695c, by adding to section 12 three new subsections to be known as subsections (8), (9), and (10) and adding a sentence to Section 14; providing that recipients of Aid to the Needy Blind may own or use certain real and personal property as a home, exempting the proceeds of the conversion of real property to personal property for one year, providing that a place of abode of such recipient shall be defined as real property, providing the amount of personal property that may be owned by such recipient, providing that certain classes of personal property shall be disregarded entirely; providing that the maximum amount of earned income permitted or required to be disregarded by the Federal government shall be disregarded by this state, providing that additional income and resources may be owned and additional assistance may be granted to recipients who have an approved plan for becoming self-supporting; and declaring an emergency."

To the Committee on State Affairs.

By Senator Baker:

S. B. No. 106, A bill to be entitled "An Act to amend Chapter 16, Title 15, Article 1257b of the Penal Code of 1925, as amended in 1927, providing punishment for murder without malice; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. J. R. No. 7, Proposing an Amend-

ment to Section 51-b of Article III of the Constitution of the State of Texas to provide that the amount paid out of State funds for assistance payments to the totally and permanently disabled may never exceed Three Million Dollars (\$3,000,000) per year.

To the Committee on Constitutional Amendments.

By Senator Willis:

S. J. R. No. 8, Proposing an Amendment to Section 51a of Article III of the Constitution of the State of Texas by adding a new Subsection to be known as 51a-2; giving the Legislature the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for direct or vendor payments for medical care on behalf of individuals sixty-five (65) years of age or over who are not recipients of Old Age Assistance and who are unable to pay for needed medical services; providing for the acceptance of financial aid from the Government of the United States for such medical payments; providing that the amounts paid out of State funds shall never exceed the payments out of Federal funds for such purposes; providing for the necessary election, form of ballot, proclamation, and publication.

To the Committee on Constitutional Amendments.

(President Pro Tempore in the Chair.)

#### Reports of Standing Committees

Senator Rogers submitted the following report:

Austin, Texas,  
January 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,  
January 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred S. B. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,  
January 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 101, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

#### Senate Bill 101 Ordered Not Printed

On motion of Senator Martin and by unanimous consent S. B. No. 101 was ordered not printed.

#### Senate Bill 101 on Second Reading

Senator Martin moved that Senate Rules 13, 32, 38, and 116 and Section 5 of Article III and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis

Nays—1

Parkhouse

Absent—Excused

Dies	Schwartz
Lane	Weinert

The President Pro Tempore then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 101, A bill to be entitled "An Act to amend Subdivision (c) of Section 1 of House Bill No. 666, Chapter 467, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by Senate Bill No. 138, Chapter 2, Acts of the Fifty-fifth Legislature, Regular Session, 1957, (codified as Article 695h, V. A. C. S.) so as to provide that the term "State Employee" shall be redefined to include members of the Legislature as to Social Security coverage under said Act; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

#### Senate Bill 101 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid S. B. No. 101 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—23

Aikin	Kazen
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Ratliff
Crump	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Willis
Hudson	

#### Nays—4

Krueger	Parkhouse
Owen	Patman

#### Absent—Excused

Dies	Schwartz
Lane	Weinert

#### Adjournment

On motion of Senator Hardeman at 11:10 o'clock a.m. the Senate adjourned until 10:30 o'clock a.m. on Monday, January 30, 1961.

**In Memory of**  
**Robert Wilson Henderson**

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Senator Baker offered the following resolution:

(Senate Resolution 33)

Whereas, The City of Houston and the State of Texas lost an esteemed and beloved citizen with the death on November 16, 1960, at the age of 73, of Robert Wilson Henderson, friend and confidant of at least three Texas Governors; and

Whereas, He was born at Milford and began his life in the business world as a cotton sorter in Corsicana, rapidly advancing as he learned the business until he became one of the outstanding cotton merchants in Houston and the South, as well as a successful rancher, landholder, and industrial developer; and

Whereas, He never permitted his wide business activities to interfere with his civic responsibilities and gave generously of his time and material possessions to his Church, St. Paul's Methodist of Houston, where he served on the Board of Stewards; and

Whereas, His staunch political convictions as a conservative were of great influence in local and State government, but he always preferred the role of king-maker, rather than that of king; and

Whereas, He gave untiringly of his energies toward effecting "a good sound American education for our children," a goal which he advocated repeatedly; and

Whereas, He was equally dedicated in serving his Nation; he was chairman of the draft appeal board of Harris County from 1940-1945; and

Whereas, He was a devoted husband and father, a man of warmth and one who accumulated friends throughout the State in all walks of life; and

Whereas, His presence added to any occasion, whether at the conference table or at the hunt, for he was an expert hunter and horseman, keeping hunting dogs and maintaining a hunting lodge, as well as serving as chairman of the board of the Gulf Coast Field Trial Club and president of the Texas Fox and Wolf Hunters Association; now therefore be it

Resolved, That the Senate of the Fifty-Seventh Legislature adjourn this day in memory of the service, the wisdom, and the faith of Robert W. Henderson, that a page in the Senate Journal be set aside in respect to him, and that a copy of this Resolution be sent to his wife, Loise Jackson Henderson of Houston; to his daughter, Mrs. Joe C. Wessendorff of Richmond; and to his sister, Mrs. M. V. Bowles of Houston.

The resolution was read and was adopted by a rising vote of the Senate.